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# TRAGEDY, OUTRAGE & REFORM: Crimes That Changed Our World: 1983 – Thurman Beating - Domestic Violence

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# **TRAGEDY, OUTRAGE & REFORM**

## **Crimes that Changed Our World**

Paul H. Robinson  
Sarah M. Robinson

(forthcoming Rowman and Littlefield 2018)

## *Table of Contents*

ACKNOWLEDGMENTS

PREFACE

1911 TRIANGLE FACTORY FIRE – BUILDING SAFETY CODES

1915 CHLOROFORM KILLER – MEDICAL EXAMINERS

1932 LINDBERGH KIDNAPPING & DILLINGER ROBBERIES – FEDERALIZATION OF  
CRIMINAL LAW ENFORCEMENT

1937 SULFANILAMIDE CRISIS – DRUG SAFETY

1956 NYC MAD BOMBER – CRIMINAL PROFILING

1957 MAFIA COMMISSION APALACHIN MEETING – RICO

1962 HARLEM HEROIN EPIDEMIC – WAR ON DRUGS

1963 BIRMINGHAM CHURCH BOMBING – CIVIL RIGHTS

1964 GENOVESE MURDER WITNESS SCANDAL – 9-1-1 EMERGENCY SYSTEM

1965 WATTS RIOTS & TEXAS SNIPER – SWAT AND THE MILITARIZATION OF POLICE

1967 CALABRESE INTIMIDATION – WITSEC

1969 SANTA BARBARA OIL SPILL & CUYAHOGA RIVER FIRE – EPA

1972 TWA BOMBING AND HIJACKINGS – AIRPORT SECURITY

1980 KILLING OF CARI LIGHTNER – DRUNK DRIVING

1981 REAGAN ASSASSINATION ATTEMPT – INSANITY DEFENSE

1982 SCHAEFFER STALKING MURDER – STALKING OFFENSE

1983 BEIRUT BARRACKS BOMBING – INTERNATIONALIZATION OF THE FBI

1983 THURMAN BEATING – DOMESTIC VIOLENCE

1986 LEICESTERSHIRE MURDERS – DNA

1989 SHRINER MUTILATION – SEXUAL PREDATORS

1993 POLLY KLAAS ABDUCTION – THREE-STRIKES SENTENCING

2001 9/11 ATTACKS – WAR ON TERROR

2001 ENRON SCANDAL – FINANCIAL CRIMES

CONCLUSION: TRIGGER CRIMES & SOCIAL PROGRESS

NOTES

INDEX

## PREFACE

As we go through our daily routines, all but the Pollyannas among us see flaws in our existing world. We may try to avoid dwelling on them, but they are there and they bother us, sometimes a lot. What is easy to miss, without the perspective of even recent history, is that the flaws are generally minor, even trivial, compared to the often appalling state of affairs that existed in the same space just decades ago.

Within the memory of living persons, our world was one with no system of food or drug safety, essentially no building or fire codes, woefully ineffective criminal law enforcement, no protection of the environment, the appalling treatment of some people based on race or other group characteristic, rampant drunk driving, rampant domestic violence, rampant sexual assault, and a host of other conditions that we would now find intolerable.

What can seem almost bizarre to us is that people of not that long ago accepted this state of affairs as perhaps regrettable but tolerable. When we examine that not-too-distant past we frequently end up scratching our heads wondering, “What were they thinking?”

Of course, this has always been the way of progress. You can be sure that in our not-too-distant future people will be scratching their heads wondering about us, “What were they thinking?” We may each have our pet theory on what their source of wonderment will be, but more likely than not, if history is any judge, most of us will guess wrong. Our successors will find appalling and intolerable things that we as a society are presently quite willing to tolerate.

This process of the continuous march of progress – of increasing and shifting expectations and ever-rising baselines – is an interesting story in itself. One might think it is the natural result of hundreds or thousands of small steps of gradual improvement over time. And in some cases it is. But it turns out that the march of progress also has some sharp turns in it. The path of the march may be a long series of course corrections but sometimes it is a quick turn or an unexpected lurch. Sometimes our present circumstances seem entirely acceptable – until they aren’t. Then in a flash, we suddenly feel different about things, and often just as suddenly do something about it.

This book is about that fiery dynamic – changes that come quickly, sometimes suddenly, sometimes unpredictably, and sometimes inexplicably. Our focus will be on a particular group of triggers to change that we think are the most interesting, the most powerful, and sometimes the most unexpected: *crimes*.

In the cases we explore, the general dynamic is the same: a terrible crime provokes public outrage that in turn produces important reforms. But there are many differences in how the dynamic works and what drives it. Why do some crimes trigger a turn from the current path while similar crimes only a year or two before did not? Or, why didn’t the turn wait until a similar crime several years or decades down the path? Or why a turn at all, rather than many gradual course corrections?

The exact nature of the crime-outrage-reform dynamic can take many forms, and we will explore those differences as we work through some of the most important cases of the past century. Each case is in some ways unique but there are repeating patterns that can offer important insights about how change comes, and how in the future we might best manage it.

But what these extraordinary cases have in common is that all of them deal with crimes that changed our world.

# 1983

## THURMAN BEATINGS

### Domestic Violence

#### The Tragedy

Late one night, Tracey wakes up to someone's hands crushing her throat.<sup>1</sup> She gasps and struggles, then looks up to make out the figure of her boyfriend, Charles Thurman (whom everyone calls Buck). His face is cold and blank as he kneels over her, and his breath reeks of alcohol. With great effort, she kicks him with enough force to make him release his hold. Had she not, she is certain "he would have killed me."<sup>2</sup>

This is not the first time Buck has assaulted Tracey. She first meets him in 1979, when she is 18. Her mother had just died of lung cancer, so Tracey drops out of high school and leaves her home town of Torrington, Connecticut for St. Petersburg, Florida, where she finds work as hotel maid. There she meets Buck, a handsome 17-year-old who works construction. Tracey and Thurman develop a strong attraction to one another, and within two weeks the couple is living together.<sup>3</sup> With no other ties, Tracey begins to follow Thurman's construction crew from state-to-state. But developing friendships is hardly possible when she moves so often, so aside from Buck, Tracey has few friends. According to Tracey, Buck makes her "feel so secure. Because I didn't have anyone else."<sup>4</sup>

However, Tracey begins to discover that Buck has a dark side. During arguments, he physically fights with Tracey. At first, she says, "I just slapped him back, and that was the end of it."<sup>5</sup> But Buck soon escalates the intensity of his assaults, and Tracey grows fearful. When she becomes pregnant with their son, C.J., she flees from Buck and returns to Connecticut. Buck follows Tracey, and with seemingly great sincerity begs for forgiveness. Tracey – reluctant at first – eventually gives in. "I didn't want to raise a child by myself,"<sup>6</sup> she says. With a baby on the way, the couple marries, and returns to their nomadic life.

Despite his pledges to change, Buck's mood swings only grow ever more erratic. His physical assaults against his young wife become more frequent and more violent. Tracey leaves Buck two more times, but Buck always returns with promises to change that go unfulfilled. It becomes a vicious cycle.

But with the terror of almost being strangled to death by Buck in the middle of the night, Tracey realizes getting away from Buck is a matter of life or death. So in October of 1982, she flees to Torrington with baby C.J. Again, Buck tracks her down and begs for forgiveness. But this time his powers of persuasion fail; Tracey is staying in Torrington to chart a new course without him. Buck does not take the decision well. He quits his construction job and settles in Torrington too, working as a counterman and short order cook at Skie's Diner.

His life seems to center around tormenting Tracey. He often calls her twenty-five times in a single day, pleading to see her. He drives by her home. He openly – and frequently – tells others at work that he hopes to kill his wife. He even says this to officers of the Torrington Police Department, who frequent the diner and have come to like the new cook. Buck's animosity towards his wife is known to all. Tracey is afraid.

On October 22nd, 1982, Tracey – who is staying with her friends Judy Bentley and Richard St. Hilaire – hears a knock. She opens the door to find Buck standing on the porch. She refuses to let him inside, so Buck lunges, grabbing Tracey's throat. Tracey manages to break

free, then she runs inside and calls police. The police arrive and they remove Buck, but within thirty minutes he is pounding at the door again. Tracey and her friends barricade the door. The police do nothing this time, but Bentley and St. Hilaire, as owners of the property, insist on filing a formal complaint against Buck and request help to keep Buck off of their property.

On Nov. 1, Buck returns to the apartment. This time he gets past the threshold. Once inside, Buck grabs the baby and flees the apartment. According to the formal complaint filed that day with police, Buck announces to Tracey: "if we can't bring up the baby together, no one will do it."<sup>7</sup> Buck tells Tracey that if she calls the police, he will kill her. Tracey ignores the threat and contacts authorities. She makes it clear to the police that she is serious about her commitment to end the terror, saying "I want my husband arrested for threatening me and the baby. I will go to court."<sup>8</sup>

The police get baby C.J. back to his mother and consider the incident resolved. The court record indicates that no further action is taken. On Nov. 3, she calls the police again to report Buck for making threatening phone calls. The police record the call in the official log.

On Nov. 5, Tracey takes a call from the city's family relations office. Buck has come to the office seeking visitation rights, and the office wants Tracey to come in so they can hear Tracey's perspective before making a decision. Tracey drives to the office, which is located on the second floor of a municipal building above the police station. After the interview she gets in her car, and she sees Buck in the parking lot of the police station. Buck maneuvers his car to block Tracey from leaving the parking lot. With Tracey penned in, he exits his own vehicle and smashes Tracey's windshield with his fist. He yells out, "I will get you, and when I do, I will really hurt you." Many people, including several police officers, witness the incident, but no one makes any attempt to intervene or to assist Tracey. As soon as Buck leaves, Tracey files a complaint. Buck is arrested on a breach of peace charge.

Five days later, on November 10, Buck is convicted for his attack in the parking lot. He is given a six-month suspended sentence, meaning he does not have to serve jail time. The probation order requires that Buck leave his wife alone, stay off the property where Tracey is still living with friends, leave the area, and return to Virginia to live with his father.

Buck adheres to his probation for less than two months. On Jan. 1, 1983, Tracey looks out of the apartment window and sees Buck standing under a street light. Tracey immediately calls the police. By the time they arrive, Buck has left. Tracey reminds them of the court order, and they leave without taking any action. The January 1 Torrington police log notes, "Matter resolved for time being, no formal complaint made."

Buck resumes his pattern of threatening phone calls, so Tracey duly informs the police. Tracey wants to believe that Buck's parole violations will lead to his arrest, but the police never seem to act. Convinced that the police won't help her, Tracey begins to feel isolated and afraid.

Between January 1st and May 4th in 1983, Tracey and her friends call the Torrington Police Department numerous times and beseech them to act. They want Buck arrested, both for his violent threats and his violation of probation. But the police make no effort to arrest, or even confront, Buck. On May 4, Tracey and her friend Bentley report that Buck is threatening to shoot them. Tracey demands an arrest but the officer refuses to take the complaint, telling Tracey to return in three weeks when someone in the police department might look into it.

Tracey does not give up. On May 6, she files an application for a restraining order against Buck in the Litchfield Superior Court. Tracey receives an ex parte restraining order the same day, forbidding Buck from assaulting, threatening, and harassing her. She begins divorce proceedings.

On May 25, with the divorce pending, Buck informs Tracey that he intends to kill her when the divorce is final. Again, Tracey calls the police and files a complaint. By this time, Tracey is confined to her apartment due to fear. She calls the police and requests an escort to the police station so she can file a request for an arrest warrant. The officers tell Tracey that she'll have to wait until after the Memorial Day weekend.

Memorial Day passes, and on May 31 she goes to the station only to be told that the only officer who can help is on vacation. Later that day, Tracey speaks with her brother-in-law, Joseph Kocsis, about the department's dismissive attitude. Furious, Kocsis calls the department to protest its inaction; the police assure him that Buck will be arrested on June 8, 1983 – an option that has never been offered to Tracey.

On June 5, Buck appears outside of Tracey's window again. When he starts to shout at her, she calls the police, reminding them of Buck's probation conditions and the new restraining order. The officers ignore Tracey's request for an arrest; their log reads "no formal complaint." June 8 comes and goes; Buck remains free.

On June 10, Tracey hears Buck shouting outside her apartment again. The police have ignored her request for protection for nine months; she is certain that will not change today. Her fear is that Buck will come into the apartment and that she will be unable to protect the baby or herself.<sup>9</sup> Without a better option, she calls police and begs them to enforce the restraining orders, to take note of her formal complaints – to do *anything*.

Twenty-five minutes after Tracey makes the call, Officer Frederick Petrovits, who's patrolling the area, arrives. Petrovits, however, stays in his patrol car and parks across the street to observe. Police have previously used the fact that they have not witnessed an assault as an excuse to do nothing when Tracey calls. With police on site, Tracey decides to venture outside. She calculates that Buck might give her a punch in the gut, which might incline the police to act.

Unfortunately, Tracey gravely miscalculates the force Buck will wield: as soon as she steps outside to reason with her screaming husband, Buck pulls out a knife. Tracey runs, but Buck is much faster. He catches Tracey in the backyard of the apartment, where he grabs her and throws her violently to the ground. In clear view of nearby neighbors, Buck stabs Tracey thirteen times in her chest, neck, throat and face. The knife punctures her esophagus, leaving three gaping holes.<sup>10</sup> Petrovits, sensing commotion, gets out of the squad car and goes to the backyard to investigate.

Petrovits sees Buck, now with a bloodied knife, standing over Tracey's body. Petrovits approaches Buck and takes the knife from him, but doesn't arrest him or ask his name. The officer later claims that he had not personally seen the assault, so he did not know what had happened. As Petrovits explains it, "He could have stabbed a chicken. He could have stabbed a dog."<sup>11</sup> Of course, there is no animal carcass nearby, and Petrovits had witnessed the man pull the knife and chase Tracey.

Tracey faces catastrophic blood loss as she lays on the lawn, but nobody helps her. Buck continues to walk around the premises freely. Buck again approaches his wife, who appears to be dead, and kicks her in the head. Petrovits "see[s] his foot going down on her head,"<sup>12</sup> but does nothing besides watch. This final blow damages Tracey's spinal cord. Buck then runs into the apartment, emerges holding C.J., and shouts, "I killed your f—ing mother." With that, he drops C.J. on Tracey's body. With Petrovits still standing by, Buck kicks Tracey's head again.

Three additional officers arrive on scene, but they make no attempt to arrest or restrain Buck, who continues to peruse the premise and yell at Tracey. It is 50 minutes before the police, now seeing Tracey's bloodied body calls for medical attention and an ambulance arrives. During

these fifty minutes, Buck is still around the premises, with the police officers showing no sign of restraint. When Tracey is loaded on to a stretcher, Buck – emboldened by police inaction – tries to climb into the ambulance to attack Tracey again. Finally, Buck is arrested.<sup>13</sup>



Despite the severe injuries and the delay in receiving medical care, Tracey survives the attack. She's hospitalized for seven months, and after her discharge is wheelchair bound for another eight months. The blow to her head results in permanent nerve damage, causing paralysis on the left side of her body. "On my left side," she says, "from my elbow down to my fingertips and from my knee down to my toes, there's not much feeling. My right leg has more feeling than my left leg, but it's physically weaker. So I don't trust it. It's like I don't know when I'm stepping."<sup>14</sup> She walks with a noticeable limp and has a deep scar that spans her face from ear-to-ear. She's unable to do simple tasks like clip her nails, change linens, dry her hair, or pick up her son.

Though C.J. is not injured, the attack leaves him with deep emotional trauma. When Tracey is reunited with her son, the boy spits at her and demands that his real mother come back. The woman before him bears little resemblance to the mother he had known. Ambulance sirens send him into a panic. "He'll ask whoever he's with, 'Is my mommy all right?,'" Tracey recalls.<sup>15</sup>

In 1985, after her hospitalization and recovery, Tracey brings the first civil lawsuit in the country under 42 U.S.C. § 1983, "Civil action for Deprivation of Rights," against the City of Torrington, twenty-nine individual officers, and the Torrington Police Department for damages.<sup>16</sup> The federal legislation of 42 U.S.C. § 1983 begins:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the



jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.”<sup>17</sup>

In the suit, Tracey alleges that the police ignored her complaints for eight months, a disregard that reflected their callously indifferent approach to family violence, and thus violated her constitutional right to equal protection. Simply because she is legally married to Buck, the police have allowed the ongoing abuse to continue. Tracey believes that if she and Buck were strangers, the police would have acted. Because ninety-five percent of domestic violence victims are women, sex discrimination quickly becomes a focal point of the controversy.

The City of Torrington puts up a fierce legal battle against the suit. Among other objections, the lawyers for Torrington claim that the legislation is only available to redress racial discrimination. The department’s lawyers also argue that third party liability – liability for those who don’t directly commit the offense – would be disastrous for any police department.

Moreover, they argue that Tracey isn’t a victim but rather a manipulator who called the police at even the slightest confrontation in order to strengthen her hand when she filed for divorce. “Tracey was not a battered woman,” says the department’s attorney. “Most of those incidents weren’t physical confrontations. They were only phone calls. She was setting [Buck] up for the divorce proceedings, building a record against him.”<sup>18</sup>

The jury does not buy the argument. In an unprecedented decision, the jury finds the city and police officers guilty, faulting twenty-four officers – forty percent of the police force – for ignoring Tracey’s repeated pleas for assistance. Tracey is awarded \$2.3 million in damages.

To Tracey’s lawyer Burton Weinstein, the problem is entirely with the police. “If cops choose not to take something seriously, then law is, in effect, repealed at their whim.”<sup>19</sup> But police do not see it that way; even after the trial concluded, the police officers maintain that they followed procedure and did nothing wrong. After the judgment is announced, Tracey’s lawyers begin proceedings to place liens on the officer’s homes so as to satisfy the judgment and ensure Tracey’s damages are paid. In the end, Tracey agrees to a smaller settlement of \$1.9 million, allowing the officers to keep their homes. Alarmed at the outcome of the case, insurance companies now press municipalities to train their officers in how to respond appropriately to domestic violence situations.

On August 12, 1987, Buck is convicted of first-degree assault and sentenced to twenty years in prison. Even so, he continues to threaten Tracey’s life while he is incarcerated. Still, his ongoing threats do not prevent him from being released on parole in 1991, eight years into his sentence.

### **The Outrage**

Tracey’s story sparks national controversy surrounding police involvement in domestic violence and larger concerns with gender equality.<sup>20</sup> She testifies before the Senate Judiciary Committee while they debate federal legislation to address violence against women. She also appears on nationally televised programs like “Today” and “20/20,” and in 1989, producer Dick Clark releases a movie about Tracey’s story called “A Cry for Help: The Tracey Thurman Story.” The movie airs at the beginning of National Domestic Violence Awareness Month. The actress Nancy McKeon plays Tracey. “People are going to watch it and see parts of their own lives in it,” McKeon says.<sup>21</sup> The film also prompts public scrutiny of the Torrington Police

Department. As now-Chief Robert Milano states, the film provokes “nationwide indignation” toward their department and colors the officers as “uncaring brutes.”<sup>22</sup>

Tracey’s civil lawsuit also fuels the movement to increase arrests for domestic violence and to undermine assumptions that domestic disputes are less serious than disputes between strangers. Weinstein, Tracey’s attorney, files twenty more lawsuits against local municipalities and police departments that fail to properly address domestic violence allegations. Meanwhile, advocates grow more vocal about the criminal justice systems institutional indifference toward abused wives. In 1986, for example, a New York task force issues a report on Women in the Courts, finding that “victims’ access to the courts is limited by their being dissuaded by law enforcement officials and court personnel from proceeding in criminal and family courts and by having their claims trivialized or ignored.”<sup>23</sup>

Other cases also bring attention to domestic violence and the challenges women face in bringing charges. In March of 1983, Cheryl Araujo of New Bedford, Massachusetts puts her two daughters to sleep, then leaves the house to buy cigarettes. When her usual spot is closed, she makes a stop at Big Dan’s tavern. There, two men approach her, asking her to leave with them. When she refuses, a third man grabs her from behind, throwing her onto the bar’s pool table. There, she is stripped and gang raped. Patrons on the sideline watch, some even laughing. No one intervenes. After the rapes, Araujo manages to fight off her attackers and runs half-naked into the street. Three college students passing by come upon her and drive her to the hospital. Her attackers are found guilty of aggravated rape. The harshest punishment imposed is a six-and-a-half year prison sentence.<sup>24</sup> None of the bystanders who cheered or did nothing are held criminally liable.

In February of 1985, Charlotte Fedders is in court testifying before a judge during divorce proceedings with her husband John Fedders, a powerful Washington lawyer who directs enforcement operations at the Security and Exchange Commission. During the testimony, she details eight incidences of assault by her husband of sixteen years. Her most graphic testimony includes a beating while she is pregnant in which her husband screams that he does not care if he kills the baby. Her husband denies none of the claims, but says that his wife is at least partly to blame because she withheld emotional support while he was struggling with his professional life. The judge agrees. The proceedings do not cause much official notice until a Wall Street Journal reporter slips into the courtroom to hear the recounting of the abuse. The Journal runs an article the following day detailing Fedders double-life as a Washington powerbroker and a wife-beating husband. It sparks public outcry, and the following day he resigns from his post at the SEC. He is not charged, however, and he retains his right to practice law. When his ex-wife writes a book about the years of abuse, Fedders is granted 25% of the royalties by the judge as part of the marriage settlement.<sup>25</sup>

In 1987, a Chinese immigrant named Dong Lu Chen bludgeons his wife, Jian Wan Chen, with a hammer eight times to the head, causing five skull fractures and eventually death.<sup>26</sup> During the trial, he contends that according to his culture, it was his responsibility to kill her after her confession to adultery. The jury takes this into consideration, along with Chen’s lack of record, display of apparent remorse, meek behavior in his time awaiting trial in jail, and the unlikelihood of another crime. After deliberation, Chen is convicted of manslaughter and sentenced to five years of probation.

These and a series of other cases show the systems apparent indifference to domestic violence, and serve to incense the public further: Why should a gang rapist receive such a light sentence? How could a man, immigrant or not, receive nothing more than probation for beating

his wife to death? Why should a husband get royalties from his wife's book recounting her abuse at his hands? As the outrage boils up, something needs to be done.

### **The Reform**

Tracey Thurman's assault, followed by other cases like those of Cheryl Araujo, Charlotte Fedders, and Jian Wan Chen, propel domestic violence to the forefront of the public mind. Unlike efforts of the 1960s that led to the creation of the victim shelter system, the efforts of the 1980s emphasize the need for legal reform.

Practical experience and research demonstrate to authorities that arresting perpetrators deters future violence more effectively than simply giving a warning. By 1989, four years after Tracey wins her suit in Torrington, eighty-four percent of U.S. police departments have adopted vigorous arrest policies for domestic violence batterers. In a similar vein, many prosecutors adopt "no-drop" policies by which they refuse to drop charges on domestic violence cases even in situations in which the victim request that the charge is not be pursued. The idea is to protect the victim and deprive the batterer of the power to compel the victim to drop charges. As more cases are brought forward, district attorneys and judges begin to take victim complaints more seriously.

Many states make it easier for victims to obtain restraining orders. By 1990, victims may obtain emergency protection orders outside of normal court hours in twenty-three states. Many states allow (and in some cases require) courts to issue restraining orders before the batterer is released on bail, and thirty-six states require restraining orders to be submitted to a national registry, so they can be enforced even if the victim is in another state. There are even states that give cell-phones to victims so that they can more readily summon police.

States also respond to research concluding that court-ordered couples' counseling is ineffective. The Coalition to End Domestic Violence and Sexual Assault calls for courts to eliminate the use of couples counseling in domestic violence cases, even when the woman seeks it. Some states, such as New York and California, move to legally prohibit the use of couples counseling when one partner is charged with a domestic violence crime.

The increased awareness of the domestic violence problem brings on a wave of research. Among the work is that of educational psychologist Lenore Walker, drawing on theories of learned helplessness, who develops the idea of what is called the "Battered Woman Syndrome" (BWS). BWS "refers to a pattern of responses and perceptions presumed to be characteristic of women who have been subjected to continuous physical abuse by their mate." The Syndrome is recognized as a type of Post-Traumatic Stress Disorder by the American Psychiatric Association. In the states that permit its use in the courtroom, it becomes an important part of the legal analysis when a battered woman claims self-defense when they attack their abusers.

As knowledge of domestic violence issues increases, some states enact comprehensive legislation that addresses the entire range of issues. In 1986, Connecticut becomes the first state to adopt a comprehensive law, the Connecticut Family Violence Prevention and Response Act (CFVPRA). Nicknamed "The Tracey Thurman Law," it defines family violence, guides officials in handling family violence cases, requires the Connecticut Justice Department to maintain family violence intervention units throughout the state, and compels officers to arrest alleged offenders if probable cause of abuse exists, regardless of whether a victim seeks to press charges.<sup>27</sup>

When Pennsylvania passes a similar law, it adds a provision that allows police officers to arrest batterers without witnessing the domestic violence firsthand. Illinois, a state notorious for its poor domestic abuse responses, improves its statutes the same year. The Illinois Domestic Violence Act covers not only abuse by a live-in husband or boyfriend but also abuse by the father of a woman's child and by a man the woman used to live with. In California, domestic violence protection is extended to a same-sex battering case.

As part of the comprehensive approach, many states set up special court systems to handle intimate-abuse crimes together with related criminal or family matters. Such systems provide litigants with specialized advocates, judges, and court personnel who work exclusively on domestic violence disputes.

At the federal level, U.S. Surgeon General C. Everett Koop declares that domestic violence is a public health issue that cannot be dealt with by the police alone.<sup>28</sup> Koop reminds the nation that domestic violence is the leading cause of injuries to women aged fifteen to forty-four; it is more common than automobile accidents, muggings, and cancer deaths combined. A year after Tracey is attacked, Congress enacts the Family Violence Prevention and Services Act, which provides grants for shelters, counseling, and support services for victims of domestic violence and their families.

In 1994, Congress takes a step further with the Violence Against Women Act (VAWA). The Act intensifies federal penalties for domestic violence within federal jurisdiction, provides funding for domestic violence shelters, increases the number of police officers and prosecutors devoted to eradicating violence against women, and forms the Violence Against Women Office in the U.S. Department of Justice.<sup>29</sup>

While the research helps to better understand the psychology of domestic violence and inform effective policy deterrents, it also makes evident the limitations of some of the strategies being used to address domestic violence. A 2001 report by the National Institute of Justice concludes that among some groups, women who report violations of restraining orders to courts are significantly more likely to die. A follow-up study in 2002 finds that, while there are overall declines in violence against women who visit rural shelters, shelters do not reduce the risk of violence in the long-term.<sup>30</sup> In fact, the data suggest that a woman's risk of being killed by her abuser increases by 75% when she tries to leave.<sup>31</sup> Recall that it was when Tracey Thurman sought to leave that her husband's violence dramatically escalated. Despite the protection that the laws seek to provide, severing ties with an abuser remains a dangerous business.

Some organizations establish batterer intervention programs, akin to Alcoholics Anonymous, which try to socialize offenders into more acceptable strategies to deal with frustrations that might otherwise lead to assaults. However, the Department of Justice finds that not a single batterer intervention program effectively reduces domestic violence and, in fact, some programs are actually correlated with increased abuse.<sup>32</sup>

### **Domestic Violence Today**

While the situation has clearly improved, there are plenty of cases that show that victims still have reasons for concern. In 2009, for example, a Texas woman named Deanna Cook is a victim of ongoing domestic abuse at the hands of her former husband Delveccio Patrick.<sup>33</sup> She has called 9-1-1 on numerous occasions, she has filed complaints, she has moved her residence, and still she lives in fear. On August 17, she calls 911 after Patrick begins assaulting her. The call records her screaming, gurgling, and begging her attacker to stop. In the background, a man

growls, “I’ll kill you. I’ll kill you. I’ll kill you.”<sup>34</sup> The police come to the door, but when no one answers, they leave. Several days later, authorities find Cook dead in her bathtub.

While there continue to be tragic cases like Deanna Cook’s, victims of domestic violence today do have far more options for support and legal recourse than they had at Tracey Thurman’s time in 1983. The effect has been significant. Between 1994 and 2010, the overall rate of intimate partner violence has declined from 9.8 victimizations per 1,000 persons to 3.6.<sup>35</sup> Between 1976 and 2010, the homicide rate between intimate partners in the United States has fallen from about 1.36 per 100,000 people to 0.48.<sup>36</sup>

While the intimate homicide rate has dropped, it is still a huge number. Between 2001 and 2012, at least 11,766 women have been killed by domestic violence – almost twice the number of American soldiers who die on the battlefield during the same period.<sup>37</sup> The reality remains that victims are still hesitant to report domestic violence to law enforcement. Only one-fourth of women who experience physical assault call the police, and just 20 percent of women who are injured by a violent partner seek medical treatment.<sup>38</sup> The majority of women who don’t call seem to believe that police won’t believe their accounts, and 32 percent don’t want the police or court system involved. Of women who do call the police, 99.7 percent don’t believe the police can solve long-term the domestic violence problem.<sup>39</sup>

Finding meaningful ways for the criminal law and social interventions to protect the vulnerable is an ongoing quest. As a society, we may not have found a magic formula that keeps partners safe, but things have improved. Authorities are now compelled by law to intervene. The law no longer accepts that an assault behind closed doors is not a crime. Abuse is not a private matter; it is a criminal offense.

## NOTES

<sup>1</sup> This section is drawn from the following sources: Bettinger-Lopez, et al., “Domestic Violence in the United States: A Preliminary Report prepared for Rashida Manjoo,” *U.N. Special Rapporteur on Violence Against Women*, April 18, 2011; Daniels, Cynthis, *Feminists Negotiate the State: The Politics of Domestic Violence*, Lanham, MD: United Press of America, 1997 Findlater, Janet E. and van Hoek, Dawn, “Prosecutors and Domestic Violence: Local Leadership Makes a Difference,” *Mich. B. J.* 73 (1994): 908; Mills, Linda, *Violent Partners: A Breakthrough Plan for Ending the Cycle of Abuse*, New York, NY: Basic Books (2009): 27, accessed from [https://books.google.com/books?id=0zma38wndwC&pg=PA24&dq=tracey+thurman+testifying+before+Congress&hl=en&sa=X&ei=wnFkVfm3DaW\\_sQSymYOgDQ&ved=0CCQQ6AEwAQ#v=onepage&q=tracey%20thurman%20testifying%20before%20Congress&f=false](https://books.google.com/books?id=0zma38wndwC&pg=PA24&dq=tracey+thurman+testifying+before+Congress&hl=en&sa=X&ei=wnFkVfm3DaW_sQSymYOgDQ&ved=0CCQQ6AEwAQ#v=onepage&q=tracey%20thurman%20testifying%20before%20Congress&f=false); National Center on Domestic and Sexual Violence, “The History of the Violence Against Women Act,” September 2009, [http://www.ncdsv.org/images/OVW\\_HistoryVAWA.pdf](http://www.ncdsv.org/images/OVW_HistoryVAWA.pdf); Office on Violence Against Women, “2012 Biennial Report to Congress on the Effectiveness of Grant Programs Under the Violence Against Women Act,” <http://www.justice.gov/sites/default/files/ovw/legacy/2014/03/13/2012-biennial-report-to-congress.pdf>; Schneider, Elizabeth, *Battered Women and Feminist Lawmaking*, New Haven, CT: Yale University Press, 2002; Tomkins, Suzanne, “20 Years of Domestic Violence Advocacy, Collaborations, and Challenges: Reflections of a Clinical Law Professor,” *Buffalo Journal of Gender, Law and Social Policy* 22 (2013-2014): 1

<sup>2</sup> Park, Schindehette, and Speidel, “Thousands of Women, Fearing for Their Lives.”

<sup>3</sup> This subsection is drawn from the following sources: 101<sup>st</sup> Congress, Second Session on Legislation to Reduce the Growing Problem of Violent Crime Against Women, “Women and Violence: Hearings before the Committee on the Judiciary United States senate,” August 29 and December 11, 1990; Blodgett, Nancy, “Violence in the Home,” *ABA Journal*, May 1, 1987, 66-69, accessed from <https://books.google.com/books?id=pjK22zjVqm0C&pg=PA66&lpg=PA66&dq=Violence+in+the+Home+blodgett+aba&source=bl&ots=vIWZLr75Hh&sig=7itkNhPaBCqlwbOILD7ggTPNA40&hl=en&sa=X&ved=0ahUKEwjM6eDPtffUAhUEbj4KHSOiCK0Q6AEIjAA#v=onepage&q=Violence%20in%20the%20Home%20blodgett%20aba&f=false>; Brennan, Patricia, “A Cry for Help,” *The Washington Post*, October 1, 1989, [https://www.washingtonpost.com/archive/lifestyle/tv/1989/10/01/a-cry-for-help/b6d4472a-51a1-4c09-9781-f1805a20cd5f/?utm\\_term=.7ed5eb45d27e](https://www.washingtonpost.com/archive/lifestyle/tv/1989/10/01/a-cry-for-help/b6d4472a-51a1-4c09-9781-f1805a20cd5f/?utm_term=.7ed5eb45d27e); Gottlieb, Rachel and Mortytko, Bryan, “Thurman’s Ex-wife Seeks Court Order to Keep Him Away,” *Courant Correspondent*, April 4, 1996, [http://articles.courant.com/1996-04-04/news/9604040303\\_1\\_probation-court-papers-superior-court](http://articles.courant.com/1996-04-04/news/9604040303_1_probation-court-papers-superior-court); Park, Jeannie, Schindehette, Susan, and Speidel, Maria, “Thousands of Women, Fearing for Their Lives, Hear a Scary Echo in Tracey Thurman’s Cry for Help,” *People Magazine*, October 9, 1989, <http://www.people.com/people/archive/article/0,,20121378,00.html>; Polman, Dick, “Maimed Wife Strikes Blow for Justice,” *Chicago Tribune*, May 18, 1986, [http://articles.chicagotribune.com/1986-05-18/features/8602040789\\_1\\_tracey-thurman-city-police-officers-sin/2](http://articles.chicagotribune.com/1986-05-18/features/8602040789_1_tracey-thurman-city-police-officers-sin/2); Thurman v. City of Torrington, 595 F. Supp. 1521, 1524-1526 (D. Conn. 1984)

<sup>4</sup> Park, Schindehette, and Speidel, “Thousands of Women, Fearing for Their Lives.”

<sup>5</sup> Park, Schindehette, and Speidel, “Thousands of Women, Fearing for Their Lives.”

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- <sup>6</sup> Park, Schindehette, and Speidel, “Thousands of Women, Fearing for Their Lives.”
- <sup>7</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>8</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>9</sup> 101<sup>st</sup> Congress, “Women and Violence,” 99.
- <sup>10</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>11</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>12</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>13</sup> Park, Schindehette, and Speidel, “Thousands of Women, Fearing for Their Lives.”
- <sup>14</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>15</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>16</sup> This subsection is drawn from the following additional sources: Muraskin, Roslyn, edit., *Women and Justice: Development of International Policy*, New York, NY: Taylor and Francis Group (1999): 111, accessed from [https://books.google.com/books?id=JGOOAgAAQBAJ&pg=PA110&lpg=PA110&dq=buck+Thurman&source=bl&ots=LzQRdjR1c&sig=LeQ0Vz-02u71MXB2tY\\_hzrA\\_rMY&hl=en&sa=X&ved=0ahUKEwjXy7LnkL3SAhULs1QKHRQyD6s4ChDoAQhQMAk#v=onepage&q=copyright&f=false](https://books.google.com/books?id=JGOOAgAAQBAJ&pg=PA110&lpg=PA110&dq=buck+Thurman&source=bl&ots=LzQRdjR1c&sig=LeQ0Vz-02u71MXB2tY_hzrA_rMY&hl=en&sa=X&ved=0ahUKEwjXy7LnkL3SAhULs1QKHRQyD6s4ChDoAQhQMAk#v=onepage&q=copyright&f=false)
- <sup>17</sup> See 42 U.S.C. § 1983
- <sup>18</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>19</sup> Polman, “Maimed Wife Strikes Blow for Justice.”
- <sup>20</sup> This subsection is drawn from the following additional sources: Bobbin, Jay, “‘Tracey Thurman Story’ A True Tragedy,” *Orlando Sentinel*, October 2, 1989, [http://articles.orlandosentinel.com/1989-10-02/lifestyle/8910013571\\_1\\_tracey-thurman-story-met-tracey-buck](http://articles.orlandosentinel.com/1989-10-02/lifestyle/8910013571_1_tracey-thurman-story-met-tracey-buck); Buck, Jerry, “Nancy McKeon takes ‘Tracey Thurman’ seriously,” *Pittsburgh Press*, October 1, 1989, <https://news.google.com/newspapers?nid=1144&dat=19891001&id=y8obAAAAIBAJ&sjid=jWMEAAAAIBAJ&pg=3530.1068750&hl=e>; “Equal Rights Amendment,” *West’s Encyclopedia of American Law*, 2005, [http://www.encyclopedia.com/topic/Equal\\_Rights\\_Amendment.aspx](http://www.encyclopedia.com/topic/Equal_Rights_Amendment.aspx); Geigis, Deborah, “Tracey Thurman Motuzick,” *Hartford Courant*, March 15, 1992, [http://articles.courant.com/1992-03-15/news/0000204455\\_1\\_domestic-violence-domestic-abuse-family-violence-prevention](http://articles.courant.com/1992-03-15/news/0000204455_1_domestic-violence-domestic-abuse-family-violence-prevention); Indiana Coalition Against Domestic Violence, “History of Battered Women’s Movement,” September 1999, <http://www.icadvinc.org/what-is-domestic-violence/history-of-battered-womens-movement/>; Parker, Chris, “No nonsense, no bitterness, better policing,” *Republican-American*, June 8, 2008
- <sup>21</sup> Buck, “Nancy McKeon takes ‘Tracey Thurman’ seriously.”
- <sup>22</sup> Parker, “No nonsense, no Bitterness, Better Policing,”
- <sup>23</sup> Blodgett, *Violence in the Home*, 67.
- <sup>24</sup> Felony and Misdemeanor Master Crime List, Massachusetts Sentencing Commission, December 2015. <http://www.mass.gov/courts/docs/admin/sentcomm/mastercrimelist.pdf>
- <sup>25</sup> This subsection is drawn from the following source: Cassata, Donna, “Former Wife of Ex-SEC Official Tells Her Story in Book: Once a Battered Wife Hiding in Closet, She Now Reaches Out to Others,” *Los Angeles Times*, May 15, 1988. [http://articles.latimes.com/1988-05-15/news/mn-4183\\_1\\_charlotte-fedders](http://articles.latimes.com/1988-05-15/news/mn-4183_1_charlotte-fedders)
- <sup>26</sup> This subsection is drawn from the following source: Lewin, Tamar, “What Penalty for a Killing in Passion?” *The New York Times*, October 21, 1994 <http://www.nytimes.com/1994/10/21/us/what-penalty-for-a-killing-in-passion.html>

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- <sup>27</sup> This subsection is drawn from the following sources: “Domestic Violence Milestones,” *Hartford Courant*, November 1, 2009, [http://articles.courant.com/2009-11-01/news/dv-timeline.art\\_1\\_abusive-spouses-violence-law-violence-against-women-act](http://articles.courant.com/2009-11-01/news/dv-timeline.art_1_abusive-spouses-violence-law-violence-against-women-act); Norman-Eady, Sandra, “Summary of Family Violence,” *OLR Research Report*, October 2, 2009, <https://www.cga.ct.gov/2009/rpt/2009-R-0349.htm>
- <sup>28</sup> National Center on Domestic and Sexual Violence, “The History of the Violence Against Women Act.”
- <sup>29</sup> National Center on Domestic and Sexual Violence, “The History of the Violence Against Women Act.”
- <sup>30</sup> by the National Institute of Justice
- <sup>31</sup> See Victim Protection, Support And Assistance, “Stop Violence Against Women,” 2003 <http://hrlibrary.umn.edu/svaw/domestic/explore/6support.htm>
- <sup>32</sup> See Dokoupil, Tony, “Why Domestic Violence Prevention Programs Don’t Work,” *NBC News*, May 23, 2014, <http://www.nbcnews.com/storyline/nfl-controversy/why-domestic-violence-prevention-programs-dont-work-n217346>
- <sup>33</sup> This subsection draws from the following source: Mervosh, Sarah, “Witnesses say Deanna suffered years of abuse before slaying,” *The Dallas Morning News*, May 2015, <https://www.dallasnews.com/news/crime/2015/05/20/witnesses-say-deanna-cook-suffered-years-of-abuse-before-slaying>
- <sup>34</sup> Mervosh, “Witnesses say Deanna suffered years of abuse before slaying.”
- <sup>35</sup> Catalano, Shannan. “Intimate Partner Violence, 1993-2010.” *Bureau of Justice Statistics*, November 27, 2012. NCJ 239203. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4536>
- <sup>36</sup> Greenfeld, Lawrence, et al. “Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends.” *Bureau of Justice Statistics, U.S. Department of Justice*. March 1998. [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwjD7dyZr7nVAhUG\\_IMKHZTVCDgQFggsMAE&url=https%3A%2F%2Fbjs.gov%2Fcontent%2Fpub%2Fpdf%2Fvi.pdf&usg=AFQjCNE\\_GiCJDl28eJKhJKp7e9jXxI2Usg](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwjD7dyZr7nVAhUG_IMKHZTVCDgQFggsMAE&url=https%3A%2F%2Fbjs.gov%2Fcontent%2Fpub%2Fpdf%2Fvi.pdf&usg=AFQjCNE_GiCJDl28eJKhJKp7e9jXxI2Usg); Catalano, Shannan. “Intimate Partner Violence, 1993-2010.” *Bureau of Justice Statistics*, November 27, 2012. NCJ 239203. <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=4536>
- <sup>37</sup> See Vagianos, Alanna, “30 Shocking Domestic Violence Statistics That Remind Us It’s An Epidemic,” *The Huffington Post*, Feb 13, 2015. [http://www.huffingtonpost.com/2014/10/23/domestic-violence-statistics\\_n\\_5959776.html](http://www.huffingtonpost.com/2014/10/23/domestic-violence-statistics_n_5959776.html)
- <sup>38</sup> Mills, Linda, *Violent Partners*, at 34. [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwjD7dyZr7nVAhUG\\_IMKHZTVCDgQFggsMAE&url=https%3A%2F%2Fbjs.gov%2Fcontent%2Fpub%2Fpdf%2Fvi.pdf&usg=AFQjCNE\\_GiCJDl28eJKhJKp7e9jXxI2Usg](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwjD7dyZr7nVAhUG_IMKHZTVCDgQFggsMAE&url=https%3A%2F%2Fbjs.gov%2Fcontent%2Fpub%2Fpdf%2Fvi.pdf&usg=AFQjCNE_GiCJDl28eJKhJKp7e9jXxI2Usg)
- <sup>39</sup> Mills, Linda, *Violent Partners: A Breakthrough Plan for Ending the Cycle of Abuse*, New York, NY: Basic Books (2009): 27, accessed from [https://books.google.com/books?id=-0zma38wndwC&pg=PA24&dq=tracey+thurman+testifying+before+Congress&hl=en&sa=X&ei=wnFkVfm3DaW\\_sQSymYOgDQ&ved=0CCQ6AEwAQ#v=onepage&q=tracey%20thurman%20testifying%20before%20Congress&f=false](https://books.google.com/books?id=-0zma38wndwC&pg=PA24&dq=tracey+thurman+testifying+before+Congress&hl=en&sa=X&ei=wnFkVfm3DaW_sQSymYOgDQ&ved=0CCQ6AEwAQ#v=onepage&q=tracey%20thurman%20testifying%20before%20Congress&f=false)